

**FREQUENTLY ASKED QUESTIONS
ABOUT CJA APPOINTMENTS AND CLAIMS**
Updated as of May 14, 2002

1. *Can my associate come to court with me and can I charge for his/her in court time?*

The regulations allow for the assistance of a partner or associate; however, if you bill for compensation, separate worksheets must be submitted for the associate or partner, and overlapped times/dates must be explained in a memorandum in support of the claim. The associate or partner must also enter an appearance with the consent of the court.

2. *Can I bill for a law student or paralegal working at my firm?*

Yes, but only for research and writing claims and this must be entered under “other expenses” on your CJA 20 claim. You may not claim time for anything other than this. The “going rate” for law students, interns and paralegals is driven by the district’s death penalty cases. Please call the clerk’s office for the current hourly rate in effect.

3. *What if the paralegal is from an outside paralegal source?*

This is considered an expert or other service and must be billed on a CJA 21 form. In this situation, the attorney may not claim this as an expense on his/her CJA 20. If the expense exceeds \$300, permission of the court must be obtained for the service. The provider may bill for only for research and writing claims and must document the work in the same manner as any other expert. The “going rate” for law students, interns and paralegals is driven by the district’s death penalty cases. Please call the clerk’s office for the current hourly rate in effect.

4. *If the procedure we have using is very similar to the worksheet and the procedure used now, may we still use our former procedure?*

You must use the court’s generated CJA forms for claims but you may use a worksheet either supplied by the court or one in a format substantially similar to the court’s form. Chronological entries which are not categorized will not be accepted as documentation.

5. *I don’t keep worksheets like the ones the court has, what do I do?*

Get copies of the court’s worksheets and start using them. Records which are not kept in a substantially similar way, will be returned to you unprocessed.

6. *Can I make photocopies of my voucher and submit those?*

Yes - the only requirement is that your signature be clearly an original, preferably in blue ink. You will no longer receive multi-part forms. All vouchers are now electronically generated and are only one page.

7. *My voucher and worksheets contain quarter hours (3.25, 6.75 etc.). Is this a problem?*

Yes. Your claims can only be processed if reported in tenths of hours (3.3, 6.7, etc.). If either your voucher or your worksheets contain quarter hours, we will return them to you and ask that you resubmit them.

8. *I made a mistake on my voucher and used "white-out." Is that OK?*

No. We are not allowed to take any claims containing white-out on either the voucher or the worksheets. If an error is made, line through it, initial it and move on, or re-work the worksheets and/or voucher. If we receive claims with white-out on them, we will return them, unprocessed.

9. *My claim is more than \$5200, what will happen?*

If the cumulative total COMPENSATION is greater than \$5200, you must complete a memorandum in support of your claim, regardless of the amount claimed on the individual voucher. Once approved at the district level, your voucher must be sent to the circuit for additional approval. This process takes 10 days to a few weeks to complete. If your cumulative total is more than \$5200 but the compensation does not exceed that amount, your claim is not considered excess and your voucher will be approved locally.

10. *I have obtained the services of an investigator or expert and the fees are more than \$300. What should I do?*

Any claim for investigators or other experts (listed in Block 13 of the CJA 21 Form), that is more than \$300, requires the approval of the court before the claim may be processed. If you did not make a motion to incur the expenses, you must file one now, *nunc pro tunc*, get the court's approval, then file the claim on a CJA 21 form. You must attach a copy of the court order and the expert provider must include documentation showing the dates of service, hours expended, rate charged and any allowable expenses.

11. *I have expenses that are more than \$50. What do I do?*

Any single expense greater than \$50 must be accompanied by the receipt or an affidavit from counsel explaining the claim and why there is no receipt. **EXCEPTION: if you are traveling, any single meal expense greater than \$25 must be documented with a receipt.**

12. *My expert required that I pay him/her up front before rendering the service and now I need to submit the claim. Do I include this on my CJA 20 under other expenses?*

No. You must claim the amount on a CJA 21, listing yourself as the payee, but supporting the claim with a copy of the expert's bill to you and proof that you paid the claim directly. This is not the preferred method of payment to an expert provider but it may be allowed under limited circumstances.

13. *I have an interpreter who has gone to the prison with me on more than one occasion. I receive separate invoices from her/him. Can I submit these on separate vouchers or do I have to submit everything together as one claim?*

The interpreter should submit one claim, for all dates of service to you. If you use different interpreters, each one should submit a separate claim.

14. *I want my vouchers paid to my firm and not to me - what do I do?*

You must identify the firm as the entity which is to receive the 1099 form for IRS purposes.

15. *My social security number is showing up on the check stub when I wanted payment made to my firm's EIN. The firm's EIN also shows up - what do I do?*

Your social security number is your unique identifier. It will appear on any payment made to you as CJA counsel. If your firm is to receive the funds, the firm's EIN number will also be on the check stub sent by the Administrative Office.

16. *How long is it going to take for me to get my money?*

We are required to audit all claims, which involves going through every expense and compensation claim. If your voucher is fairly simple, it will take less time to process. The more complicated the voucher, the more time it will take to audit.

17. Do I have to submit a memorandum in support of my voucher?

If your voucher exceeds the statutory maximum for the type of representation, you must submit a memorandum or affidavit in support explaining why the claim is an excess claim. If you do not submit this memorandum, your voucher will be returned to you unprocessed. If the claim is under the statutory limits, there is no need for a memorandum.

18. I finished a case last year and I just realized that I never submitted my claim - may I do it now?

Yes, but you must submit a memorandum in support of the claim explaining why you are submitting it more than 45 days after the completion of your representation.

19. I want to travel outside the state to interview witnesses - can I do it and how do I get paid?

Any travel outside the jurisdiction requires a motion to approve the travel in advance. Once this is granted, a travel authorization will be issued for you instructing you on how to make the arrangements and through whom.

20. I need to subpoena witnesses for trial and I want to have a sheriff do this. Can I?

Under Local Rule 5, you are required to have the U.S. Marshals serve your subpoenas, unless the Court, by order, directs otherwise. Before making any arrangements with a private process server or sheriff, you should contact the U.S. Marshals Office and speak with Gary Dorsey, Chief Deputy U.S. Marshal.

21. My client needs clothes, a haircut and personal items so s/he looks presentable when appearing at court. I already purchased them and would like to be reimbursed. Can I claim these as expenses on my voucher?

No. These are items of a personal nature and are not reimbursable under the Criminal Justice Act.

22. In order to get my client out on bond, his property was used as surety. I needed to have a title exam done before the U.S. Attorney's Office would accept the papers. I would like to be reimbursed and want to claim this as an expense. May I?

No. Title examinations done pursuant to a bond agreement are considered personal to the defendant and are not reimbursable to the attorney.

23. *My client has run out of money, what can I do?*

Have the client execute a financial affidavit, file it with the court and move to be appointed CJA. Effective date will be determined by the court.

24. *I discovered that my client has some assets and I'm CJA, what do I do?*

Bring this to the attention of the court. If a finding is made that the defendant can pay all or part of the cost of representation, the court may enter an order directing contributions to the CJA fund. The defendant cannot be made to reimburse the fund as part of his/her sentence. This must be dealt with as a separate issue.

25. *I discovered that my client has some assets and I want to be retained. What do I do?*

Pursuant to the Guide to Judiciary Policies and Procedures, Vol. VII, Section 2.22 E., no appointed attorney shall accept a payment from or on behalf of the person represented without authorization by the court on a CJA 7 Form. If your client wants to retain you, you must file a motion with the court to be allowed to do this. Your client may also be expected to repay the CJA fund for costs associated with your representation prior to being retained.

26. *I was retained through sentencing, my client has run out of money and I need to be appointed CJA. What do I do?*

Pursuant to Rule 24 of the F.R.A.P., you should make a motion to proceed IFP in the district court, then move to be appointed CJA at the circuit level once the IFP is granted. If the district denies the application for IFP, you may make the motion at the USCA.

27. *I handled the appeal and now the case is back for re-sentencing. Do I continue to use the voucher I had the first time?*

No - you will be provided with a new voucher. This is considered a new appointment.

28. *I am involved in one of the large cases and we will be on trial for several weeks. I need access to a fax machine while in court. What do I do?*

Upon motion, the court will allow you to purchase a fax machine and pay for the activation of a telephone line in the courthouse, and be reimbursed for these expenses. At the end of trial, the equipment becomes the property of the Federal Defender or the court.